

DECLARATION OF EMERGENCY

Department of Agriculture and Forestry Office of Agricultural and Environmental Sciences Structural Pest Control Commission

Bait and Baiting Systems—Pilot Program

In accordance with the Administrative Procedure Act (R. S. 49:950 et seq.) and R. S. 3:3203(A), the commissioner of Agriculture and Forestry is amending and adopting the following rules for the implementation of regulations governing the use of baits and baiting systems as a means of treating structures.

This emergency adoption is necessary in order to protect the health and safety of the public by allowing the department to immediately put into place new regulations governing the qualifications of personnel making bait and baiting systems applications and to implement a pilot program for bait and baiting applications of structures. The bait and baiting systems are newly labeled products and systems and afford the public a new way to protect their homes from termites. The department has further deemed these regulations necessary to provide minimum specifications for the application of baits and baiting systems.

The effective date of these rules is February 5, 1996, and shall remain in effect for 120 days or until these rules take effect through the normal promulgation process, whichever is shortest.

Emergency Rule

The commissioner hereby establishes a pilot program and regulations for the use of Bait and Baiting Systems that contain Hexaflumuron and Sulfluramid. The Structural Pest Control Commission shall reevaluate the pilot program and the regulations for the use of Bait and Baiting Systems that contain Hexaflumuron and Sulfluramid prior to the end of the first quarter of calendar year 1997 and may make changes during any appropriately notified meetings.

A. Any licensee, licensed in the termite phase, or any technician, registered in the termite phase and working under the supervision of a licensee, licensed in the termite phase, that applies baits and/or baiting systems shall register with the commission.

B. Any licensee or any person working under the supervision of a licensee, that applies baits and/or baiting systems, shall be certified in the use of the baits and baiting systems, by the manufacturer of the product, prior to any application of the bait or baiting system. Manufacturer certification and training programs shall have approval of the agenda prior to the program, by the Louisiana Department of Agriculture and Forestry.

C. Any person or dealer, prior to selling a bait or baiting system to control subterranean termites, must first register such intent by notifying the Louisiana Department of Agriculture and Forestry and the Louisiana Structural Pest Control Commission Office in writing prior to making such application.

D. All baits and baiting systems applications shall be contracted and reported according to L.R.S. 3:3370 and LAC 7:XXV.14115 and pay the fee as described in LAC 7:XXV.14115.E.

1. Baits and baiting systems may be used as a stand alone termite treatment only with written approval by LDAF. 2. Baits and baiting systems may be used as a supplement to traditional ground termiticide treatments.

E. Bait and baiting systems shall be used according to label and labeling and shall include, but not be limited to the following:

1. Bait and Baiting Systems Containing Hexaflumuron

a. Monitoring. Monitoring shall be used to detect the presence of subterranean termites and generate feeding activity for bait (toxicant) delivery. Monitoring station spacings shall not exceed 20 feet where soil access is not restricted and shall be placed in the soil and recorded on a map or graph of the site. Monitoring stations shall be inspected at regular intervals, not less than monthly and data shall be recorded on the map or graph.

b. Bait Delivery. When termites are detected (minimum of 40 worker termites) during monitoring, the monitoring device shall be removed and replaced with the bait toxicant. Bait toxicant shall be monitored not less than once monthly and shall be replaced according to label and labeling.

c. Resumptions of monitoring for the presence of termite activity after control has been achieved shall follow according to the original bait termite contract and label and labeling.

2. Bait and Baiting Systems Containing Sulfluramid

a. Monitoring. Monitoring shall be used to detect the presence of subterranean termites. Monitoring may include the use of the toxicant in or on monitoring devices. Monitoring stations shall be inspected at regular intervals, not less than monthly and data shall be recorded on the map or graph.

b. Bait Delivery. Bait toxicant shall be monitored not less than once monthly and shall be replaced according to label and labeling.

c. Resumptions of monitoring for the presence of termite activity after control has been achieved shall follow according to the original bait termite contract and label and labeling.

F. Records of contracts, graphs, monitoring, bait applications, and resuming of monitoring, shall be kept according to LAC 7:XXV.14113.

G. All buildings that cannot be treated according to the bait and baiting minimum specifications must have a waiver of the listed item or items signed, by the owner, prior to the baiting treatment. A copy of signed waiver must be filed with the Louisiana Department of Agriculture and Forestry with the monthly Termite Eradication Reports.

H. A consumer information sheet, supplied by the manufacturer and approved by the commission, shall be supplied to the registered pest control operator. The pest control operator shall, in turn, supply a copy of the consumer information sheet to all persons contracted.

Bob Odom
Commissioner

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